

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re:)	Case No. 16-40538-705
)	
PATRICIA LEONARD)	Chapter 7 Proceeding
)	
Movant/Debtor)	<u>MOTION FOR LEAVE TO FILE</u>
)	<u>OBJECTION AND RESPONSE TO</u>
)	<u>DEBTOR'S MOTION TO AVOID</u>
)	<u>JUDICIAL LIEN OF</u>
WAYCLIFFE DEVELOPMENT CORP.,)	<u>CREDITOR WAYCLIFFE</u>
)	<u>DEVELOPMENT CORPORATION</u>
Respondent/Creditor.)	

COMES NOW Waycliffe Development Corporation, ("Waycliffe"), secured creditor herein, and for its Motion for Leave to File Objection and Response to Debtor's Notice and Motion to Avoid Judicial Lien of Waycliffe Development Corporation Out of Time, respectfully states to the Court as follows:

1. Waycliffe is a secured creditor in the Debtor's Bankruptcy Case by virtue of a judgment taken in the Circuit Court of St. Louis County on November 16, 2011 in the amount of \$92,889.00 (the "Judgment") concerning a commercial lease. As of the date of filing of Debtor's Bankruptcy Case the balance due on the Judgment was approximately \$85,000.00.

2. This matter is before the Court on Debtor's Notice and Motion to Avoid Judicial Lien of Waycliffe Development Corporation (the "Motion") filed June 1, 2016 wherein Debtor seeks to avoid the lien of the Judgment on Debtor's real property located at 614 Grant Court, St. Louis, Missouri (the "Property"). The Property's legal description is Lot 2 of Grant Court, according to the plat thereof recorded in Plat Book 251 page 95 of the St. Louis County Records.

3. Debtor filed her Chapter 7 Case, numbered 16-40538-705, on January 27, 2016 (the "Filing Date").

4. Waycliffe was served with the Motion on June 1, 2016. Due to administrative

error, Waycliffe's bankruptcy counsel, David M. Dare, did not receive notice of the filing of the Motion until July 28, 2016 at 4:00 p.m. and no timely answer was filed.

5. The Motion has not been ruled upon by the Court and there is no prejudice to Debtor if the Court grants leave for Waycliffe to file its objection, answer and response to the Motion out of time. Waycliffe's delay in responding is not done with intent to impede the judicial process, or to hinder, delay or defraud the Court or any party, and Waycliffe has a meritorious defense to the Motion.

6. Waycliffe did not understand its obligation to answer the Motion because all of the same issues in the Motion were previously litigated in front of the Honorable Kathy Surratt-States on February 29, 2016 in the Debtor's Husband, David H. Leonard's, Bankruptcy Case Number 15-45968-659.

7. Waycliffe requests leave of this Court to file its Answer out of time. Waycliffe's Objection and Response to Debtor's Motion to Avoid Judicial Lien of Creditor Waycliffe Development Corporation is being contemporaneously filed with this Motion for Leave.

WHEREFORE, Waycliffe prays that this Court grant Waycliffe's Motion for Leave to File Objection and Response to Debtor's Motion to Avoid Judicial Lien of Creditor Waycliffe Development Corporation out of time, and grant such other, further relief as to the Court appears just and proper.

/s/ David M. Dare
David M. Dare 35965MO
Herren, Dare & Streett
1051 N. Harrison Ave.
St. Louis, Missouri 63122
(314) 965-3373 (Telephone)
(314) 965-2225 (fax)
ddare@hdsstl.com

Attorneys for Respondent/Creditor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing objection was served upon the Trustee, office of the United States Trustee and Counsel for the Debtor and any other parties who have requested notice through the Court's electronic filing system on this 28th day of July, 2016, and to all parties entitled to notice.

/s/ David M. Dare